




07-10-06

Attorney Docket No. CYBRP001.US04

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Date: 07/07/06

By: 
Paul L. Hickman

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:
HICKMAN
APPLICATION No.: 10/729,356
FILED: 12/05/03
FOR: METHOD AND APPARATUS FOR REMOTE
INTERACTIVE EXERCISE AND HEALTH EQUIPMENT

EXAMINER: RICHMAN, GLENN
ART UNIT: 3764
CONFIRMATION No: 8257
ATTORNEY DOCKET No.:
CYBRP001.US04

Information Disclosure Statement After Final Action or Notice of Allowance but Before Payment of Issue Fee – 37 C.F.R. § 1.97(d)

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Sir:

This information is being filed *after* a Notice of Allowance but before payment of the Issue Fee. Applicant petitions the Patent and Trademark Office to accept this Information Disclosure Statement in light of the certification under 37 C.F.R. § 1.97(e) below, and payment of the fee under 37 C.F.R. § 1.97(d)(2).

07/12/2006 EAREGAY1 00000042 10729356

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Enclosed are 10 pages of form 1449 citing the submitted references. Copies of non-patent references are enclosed herewith. Since this application was filed after 30 June 2003, no copies of U.S. patents nor published applications are enclosed (See Notice of Deputy Commissioner Kunin on 11 July 2003).

This Information Disclosure Statement is not to be construed as a representation that: (i) a search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the cited information is, or is considered to be, material to patentability. In addition, Applicant does not admit that any enclosed item of information constitutes prior art to the subject invention and specifically reserves the right to demonstrate that any such reference is not prior art.

As the Examiner is aware, this application is related to a number of co-pending, issued, and abandoned applications including USSN 60/008,603, 08/766,309, 08/766,513 (USP 6,059,692), 09/273,591 (USP 6,193,631), 09/690,178 (USP 6,749,537), 09/690,701, 10/045,619 (USP 6,921,351), 10/751,334, 10/773,617, 11/150,914 and 11/440,703. Of these, U.S. Patents 6,193,631 ("the '631 patent") and 6,749,537 ("the '537 patent") are involved in a lawsuit between assignee Cybergym Research LLP and ICON Health and Fitness.

More particularly, the '631 and '537 patents are involved in the lawsuit *Cybergym Research LLC v. ICON Health and Fitness, Inc.* United States District Court for the Eastern District of Texas, Case No. 2:05-cv-527. In accordance with the local rules, the Defendant has recently made its Preliminary Invalidity Contentions, as enclosed herewith, and has submitted a large number of documents upon which it intends to support its claims of invalidity. Applicants apologize for the size of this submission, which was necessitated by these circumstances. The Examiner is respectfully requested to consider these documents and to make them of record in the current application.

Enclosed herewith is a check in the amount \$180.00 for the consideration of an Information Disclosure Statement as set forth in 37 C.F.R. §1.17(p). Please charge any underpayment for the timely filing of this paper to Deposit Account No. 50-3539.

In accordance with 37 C.F.R. § 1.97(e) (2), the undersigned hereby states that no item of information submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, or, to the knowledge of the person signing the certification after

making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c), more than three months prior to the filing of this statement.

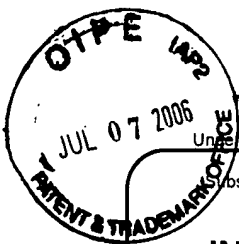
Respectfully submitted,



Date: 07/07/06

Paul L. Hickman
Registration No. 28,516

Correspondence Address:
Customer No. 45965



PTO/SB/08A (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

Application Number	10/729,356
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First Named Inventor	Hickman
Art Unit	3764
Examiner Name	Richman, Glenn
Attorney Docket Number	CYBRP001.US04

Sheet 1 of 10

U. S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US- 3518985	02-15-1968	Quinton	
		US- 3802698	04-09-1974	Burian et al.	
		US- 3845756	12-05-1974	Olsson	
		US- 4020795	05-03-1977	Marks	
		US- 4408613	10-11-1983	Relyea	
		US- 4556216	12-03-1985	Pitkanen	
		US- 4708337	11-24-1987	Shyu	
		US- 4709917	12-01-1987	Yang	
		US- 4757495	07-12-1988	Decker et al.	
		US- 4763284	08-09-1988	Carlin	
		US- 4837157	06-06-1989	Turnell et al.	
		US- 4842274	06-27-1989	Oosthuizen et al.	
		US- 4866704	09-12-1989	Bergman	
		US- 4919418	04-24-1990	Miller	
		US- 4925183	05-15-1990	Kim	
		US- 4934694	06-19-1990	McIntosh	
		US- 4998725	03-12-1991	Watterson et al.	
		US- 5020795	06-04-1991	Airy et al.	
		US- 5062632	11-05-1991	Dalebout et al.	

FOREIGN PATENT DOCUMENTS

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		US- 5067710	11-26-1991	Watterson et al.	
		US- 5089960	02-18-1992	Sweeney Jr.	
		US- 5104120	04-14-1992	Watterson et al.	
		US- 5149084	09-22-1992	Dalebout et al.	
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		US- 5213555	05-25-1993	Hood et al.	
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		US- 5572643	11-05-1996	Judson	
		US- 5590128	12-31-1996	Maloney et al.	
		US- 5598849	02-04-1997	Browne	
		US- 5605336	02-25-1997	Gaoiran et al.	
		US- 5655997	08-12-1997	Greenberg et al.	

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		US- 5663951	09-02-1997	Danneels et al.	
		US- 5690582	11-25-1997	Ulrich et al.	
		US- 5695400	12-09-1997	Fennell Jr. et al.	
		US- 5754765	05-19-1998	Danneels et al.	
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		US- 5836770	11-17-1998	Powers	
		US- 5838906	11-17-1998	Doyle et al.	
		US- 5854833	12-29-1998	Hogan et al.	
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		US- 5905442	05-18-1999	Mosebrook et al.	
		US- 5909544	06-01-1999	Anderson II et al.	
		US- 5916063	06-29-1999	Alessandri	
		US- 5956509	09-21-1999	Kevner	
		US- 5997476	12-07-1999	Brown	
		US- 6014432	01-11-2000	Modney	
		US- 6050924	04-18-2000	Shea	
		US- 6050942	04-18-2000	Rust et al.	
		US- 6066075	05-23-2000	Poulton	
		US- 6106297	08-22-2000	Pollak et al.	

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Sheet	5	of	10	Attorney Docket Number	CYBRP001.US04

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ICON HEALTH AND FITNESS, Nordictrack C2420 (Model No. NTL 14950), 2004	
		ICON HEALTH AND FITNESS, Nordictrack C2420 (Model No. NTL 14951), 2004	
		ICON HEALTH AND FITNESS, Nordictrack C2420 (Model No. NTL 1495.2), 2004	
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		ICON HEALTH AND FITNESS, Nordictrack SL 760 (Model No. NTC 89021), 2004	
		ICON HEALTH AND FITNESS, Nordictrack SL 760 (Model No. NTC 89020), 2004	
		ICON HEALTH AND FITNESS, Nordictrack SL 710 (Model No. NTC 07942), 2004	
		ICON HEALTH AND FITNESS, Nordictrack SL 710 (Model No. NTC 07941), 2004	
		ICON HEALTH AND FITNESS, Nordictrack SL 710 (Model No. NTC 07940), 2003	
		ICON HEALTH AND FITNESS, Nordictrack SL 705 (Model No. NTC 05941), 2004	

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		ICON HEALTH AND FITNESS, Nordictrack SL 705 (Model No. NTC 05940), 2004	
		ICON HEALTH AND FITNESS, Nordictrack C2420 Manual preceding Specs, 2004	
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		ICON HEALTH AND FITNESS, iFit.com "Log on. Work out." Brochure, 2000	
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		PRO FORM FITNESS PRODUCTS INC, Lifestyler 10.0 ESP Manual (for Model No. 297052), November 1992	
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		ICON HEALTH AND FITNESS INC, Reebok ACD1 (Model No. RETL11900), 2000	
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		ICON HEALTH AND FITNESS, Little Tony, One on One Video Trainer (for Model No. TLT23040), June 1995	
		ICON HEALTH AND FITNESS INC, One-on-One Video Trainer (Model No. TLTL21040), 1995	
		DANIELS, Virtual Workouts - Treadmills Possessed, Fortune Magazine, Pg. 84, April 17, 2000	
		SAMILJAN, Work Out Online, US Weekly, Pg. 71, March 27, 2000	
		GOOD HOUSEKEEPING, A Run for the Money, Good Housekeeping, Pg. 53, February 2000	
		Consumer Reports - Out of the Rat Race, onto a Treadmill, 2000	
		STEINBERG, Men's Journal, Squat.com, The Home Gym Goes Online, May 2000	
		THE HERALD JOURNAL, ICON Wins Awards, The Herald Journal, People in Business, Vol. 91, No. 128, May 7, 2000	

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		STEIN, MSNBC.com, Smart Fitness Section, On a Quest for Fitness - The latest workout gear and Gadgets, February 20, 2000	
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		SKUBIC ET AL, IEEE Publication, A Telerobotic Construction Set with Integrated Performance Analysis, 0-8186-7108-4/95(IEEE), April 1995	
		Fitness Equipment: Cardio, 1997	

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1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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		Application Number	10/729,356		
		Filing Date	12/05/03		
		First Named Inventor	Hickman		
		Art Unit	3764		
		Examiner Name	Richman, Glenn		
Sheet	7	of	10	Attorney Docket Number	CYBRP001.US04

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		ICON HEALTH AND FITNESS INC, Photographs of various fitness equipment systems, 1989-1996	
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		ICON HEALTH AND FITNESS, INC'S SUPPLEMENTAL PRELIMINARY INVALIDITY CONTENTIONS, US DIST. CT. EDTX, CASE 2:05-cv-527, 6/23/06	

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		DVD LABELED "ICON-CYB001" 881 PDF FILES 6/12/2006	
		CD-ROM LABELED "Supershow 2000", ICON-CYB 034309 Highlight Video 4/20/2006	
		CD-ROM LABELED "Supershow 1998", ICON-CYB 034310 Live Video Streaming from Logan Utah to Atlanta Georgia, 2/10/98	
		DVD LABELED "1998 Supershow Web Cast" ICON-CYB 034311 Raw video footage .. June 2006	
		CD-ROM LABELED "Steve Young Webcast", ICON-CYB 034312, Sales Meeting 2000, June 2006	

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